IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

O R D E R

S.K.Sharma Vs. State of Rajasthan & Anr.

S.B.CIVIL WRIT PETITION NO.719/2006

DATE OF ORDER :: May 10, 2007

PRESENT

HON'BLE MR.JUSTICE H.R.PANWAR

Mr.R.S.Saluja, for the petitioner.

Mr.Rameshwar Dave, Dy.G.A.

BY THE COURT:

By the instant writ petition under Article 226 of the Constitution of India, the petitioner seeks quashing of Annexure-6 dt. 11.7.2003 placing him under suspension.

Heard learned counsel for the parties.

A reply to the writ petition has been filed by the respondents stating therein that the petitioner has been facing trial for the offences under sections 13(1)(c)(d) (2) of the

Prevention of Corruption Act, 1988 (for short `the Act' hereinafter) and the offences punishable under the Indian Penal Code. The State Government has placed on record Annexure-R/1 dt. 10.8.2001 by which the State has taken a policy decision that the Government servants, who are facing the case punishable under the Act and the challan against them for the offences under the Act is filed in Court, they shall be invariably placed under suspension during the pendency of the case.

Learned Deputy Government Advocate submits that a criminal case under the Act being Cr. Case No.32/2004 State vs. Surendra Kumar & Ors. is pending before the Court of Special Judge, Anti Corruption Cases, Jodhpur (for short `the trial court' hereinafter).

In this view of the matter, in my view, the order placing the petitioner under suspension cannot be suffered from any error or illegality.

Learned counsel for the petitioner submits that the criminal case is not proceeding expeditiously and for that respect, a direction can be issued to the trial court to decide the case utmost expeditiously.

In this view of the matter, the trial court is directed to expedite the trial of the criminal case No.32/2004, State of Rajasthan vs. Surendra Kumar and Ors. and conclude the same preferably within three months from the receipt of copy of this order.

With these directions, the writ petition is dismissed. There shall be no order as costs.

[H.R.PANWAR],J.

m.asif/-